

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ELOY FLORES

v.

ARCH INSURANCE COMPANY

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5:15cv299
No. _____
(JURY DEMANDED)

**DEFENDANT ARCH INSURANCE COMPANY'S
NOTICE OF REMOVAL AND JURY DEMAND**

Defendant Arch Insurance Company ("Defendant") files this Notice of Removal pursuant to 28 U.S. C. §§1332, 1441 and 1446, and shows the Court as follows:

STATE COURT SUIT, WHEN COMMENCED, TIMELINESS OF THIS REMOVAL

1. Plaintiff Eloy Flores filed this uninsured/underinsured motorist insurance case against Defendant on March 3, 2015, in the 407th Judicial District Court of Bexar County, Texas. The case was assigned cause number 2015CI03673. True and correct copies of Plaintiffs' Original Petition and Request for Disclosure and accompanying service papers as received by Defendant are attached to this Notice as Exhibit A. Defendant first received a copy of the Plaintiffs' Original Petition and Request for Disclosure in the state court case through formal service of process. Defendant was served with process in this case on March 20, 2015. This notice of removal is timely, as it is filed within 30 days of Defendant's receipt of a copy of the Plaintiffs' original petition through service. 28 U.S.C. §1446(b).

CONSENT TO REMOVAL

2. Defendant is the only defendant in this case. There is no other defendant whose consent to removal must be obtained.

SUBJECT-MATTER JURISDICTION AND GROUNDS FOR REMOVAL

3. This civil action is one over which the district courts of the United States have original jurisdiction. 28 U.S.C. §1441(a). There is complete diversity of citizenship between Plaintiff and the Defendant and the amount in controversy exceeds \$75,000. 28 U.S.C. §1332(a). Defendant removes this case to The United States District Court for the Western District of Texas, San Antonio Division, as that is the district court for the United States District Court and division for Bexar County, Texas, the place where the state court action is pending.

4. Plaintiff Eloy Flores is an individual who resides in Bexar County, Texas. See Exhibit A. Plaintiff is a citizen of the State of Texas.

5. Defendant, an insurance company, is a citizen of the states of Missouri and New Jersey. Defendant is organized under the laws of the state of Missouri. The place where its officers direct, control, and coordinate the corporation's activities is in New Jersey. Its principal place of business is in New Jersey.

RELATED LITIGATION

6. There is no related litigation pending in federal court or in state court in Texas or elsewhere.

JURY DEMAND

7. Pursuant to Rule 38, Federal Rules of Civil Procedure, Defendant hereby demands a trial by jury as to all issues so triable.

ATTACHMENTS

8. Defendant attaches the following to this Notice of Removal:

Exhibit no.	Description
A	A true and correct copy of correspondence from the Texas Department of Insurance, citation and Plaintiff's Original petition and Request for Disclosure as received by Defendant in this case
B	A true and correct copy of Defendant's Original Answer filed in state court.
C	A true and correct copy of Defendant's Amended Answer filed in state court.

LIST OF KNOWN COUNSEL OF RECORD

10. Counsel for record for Plaintiff are:

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11. Counsel of record for Defendant Arch Insurance Company are:

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Respectfully submitted,

SHEEHY, WARE & PAPPAS, P.C.

by /s/ George P. Pappas

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Attorneys for Defendant Arch Insurance
Company

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day April, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all known electronic filing users. Because there appears to be no way to determine whether Mr. Toscano and Mr. Lezcano are registered CM/ECF users until after this Notice of Removal is filed and a case number assigned (and therefore after this certificate of service has been prepared and signed), I also hereby certify that I have mailed true and correct copies of the foregoing and all exhibits to them as follows:

Via CMRRR no. 7014 2120 0001 7343 2065

Mr. Andrew E. Toscano and

Mr. Michael Lezcano

Gene Toscano, Inc.

846 Culebra, Ste. 104

San Antonio, Texas 78201-6244

/s Shelley Rogers
Shelley Rogers